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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 310201036WO1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/008843	International filing date (day/month/year) 11 July 2003 (11.07.2003)	Priority date (day/month/year) 15 July 2002 (15.07.2002)
International Patent Classification (IPC) or national classification and IPC H04N 7/32		
Applicant HITACHI, LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 20 August 2003 (20.08.2003)	Date of completion of this report 22 July 2004 (22.07.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/008843

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-38 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-19 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 20-22. _____, filed with the letter of _____ 29 March 2004 (29.03.2004)
- ☒ the drawings:
 pages _____ 1-31 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claim No. 11

because:

- ☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☒ the description, claims or drawings (*indicate particular elements below*) or said claim No. 11
is unclear that no meaningful opinion could be formed (*specify*):

The description of claim 11 to the effect that "the information that determines the prediction process is information for selecting a mode that does not involve decoding the motion vector by using any of a plurality of prediction methods or for each block" is, as a Japanese sentence, particularly unclear, and it is unclear what section of the specification corresponds to this.

- ☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for said claim No. 11

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-10, 12-22	YES
	Claims		NO
Inventive step (IS)	Claims	3-10, 13-20	YES
	Claims	1, 2, 12, 21, 22	NO
Industrial applicability (IA)	Claims	1-10, 12-22	YES
	Claims		NO

2. Citations and explanations

Document 1: WO, 01/33864, A1 (Koninklijke Philips Electronics N. V.), May 10, 2001 (05.10.01)

Claims 1, 2, 12, 21 and 22

The inventions relating to claims 1, 2, 12, 21 and 22 do not appear to involve an inventive step based on document 1 cited in the ISR. Document 1 (column 1, line 20 to column 2, line 3, and Fig. 1) describes an encoding method having a plurality of block modes including a direct mode that does not involve decoding a motion vector and selecting a prediction mode that indicates a prediction direction; therefore it would be easy for a party skilled in the art to adopt a well-known art that selects reference frames by prediction from among a plurality of reference frames in an encoding method described in document 1.

Also, determining a prediction mode, reference frame and motion vector using decoded information is a well-known art, as obtaining a prediction mode, reference frame and motion vector based on a decoded header is commonly performed.

Also, determining a prediction mode, reference frame and motion vector using encoded information is a well-known art that is commonly performed when searching a motion vector using an encoded image that is locally decoded.

Claims 3-10 and 13-20

None of the documents cited in the ISR describes selecting a prediction mode based on a motion vector of a block adjacent to a current block, selecting a motion vector and selecting a reference frame for blocks with various sizes, and multiplexing the information that determines a prediction process when a mode without a decoding motion vector is selected; these points are not obvious to a party skilled in the art.